

REMARKS

Claims 12-18 and 20 are pending and at issue in the application with claims 12 and 13 being independent claims. Claims 12, 13 and 20 have been amended. Claim 19 has been cancelled. As a result, 2 independent claims remain in the application as previously paid for, and 8 total claims remain in the application as previously paid for. This response is being filed with a three-month extension of time and fee. The applicants believe no additional fee is due. However, the commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claims 12-20 are rejected as unpatentable over Porter (U.S. Patent No. 5,774,053) in view of Gokcebay et al. (U.S. Patent No. 6,791,450) under 35 U.S.C. §103(a).¹ The applicants respectfully traverse the rejections in light of the above amendments.

Each of claims 12-18 and 20 recite an electronic parcel compartment system or method of operating an electronic parcel compartment system where, after assignment of a registered user to a user group, the registered user is enabled with access to a selection of several functions of the system via controls of the system, depending on the user group to which the registered user belongs. That is, different user groups, and the registered users thereof, have access to a selection of functions of the electronic compartment system via controls of the electronic compartment system. Independent claims 12 and 13 have been amended to clarify that a user is given access to a particular starting menu of the user group to which the registered user belongs, and that certain parcel compartments and groups of parcel compartments are accessible only to certain user groups. The applicants submit that none of claims 12-18 or 20 are rendered obvious over Porter or Gokcebay et al., because neither reference teaches or suggests all of the limitations of independent claims 12 and 13.

Contrary to the assertion of the action, Porter does not disclose or suggest that different user groups have access to a selection of several functions of the electronic

¹ The applicants note that while the action cites "USP 5,212,644" on page 3, the action refers to the reference as "Gokcebay et al." However, U.S. Patent No. 5,212,644 was issued under the name of "Frisch" which was cited in the previous action. The action also states that the grounds for rejection are new (see page 2), in which case Frisch is no longer being relied upon in the rejection. Accordingly, to the best of the applicants' understanding, the official action means to refer to Gokcebay et al. (U.S. Patent No. 6,791,450).

compartment system via controls of the electronic parcel system. In particular, while Porter discloses that a vendor code serves as an authorization means to compare against a stored code and that the code may be associated with certain functions (see column 6, lines 6-15 and column 7, lines 8-12 as cited in the action), the user is not provided with controls to have access to a selection of functions. That is, a user of Porter's system is not presented with the selection of functions, and a user is never provided with controls to select the functions of Porter's system. In an example provided by Porter in column 6, lines 29-32, a refrigeration unit automatically turns on if the vendor code is entered. However, the vendor is not allowed/enabled to access a selection of functions (of which the refrigeration unit activation is one of several), such that the vendor never has the option to select (or not select) activation of the refrigeration unit. Instead, the refrigeration turns on automatically once the vendor code is entered, regardless of the vendor. As described further in column 6, lines 42-54, if a home owner or a vendor sends the code in advance to a delivery, the heating or refrigeration unit will turn on automatically, too. But the user is not provided with an opportunity to select these functions; they simply all happen regardless of the user's desire to select one function, but not another. Indeed, the relevant portions of Porter cited in the action do not describe that the selectable functions are provided to a user via controls of the electronic compartment system. (See column 6, lines 6-15 and column 7 lines 8-12). Instead, the portions relied upon in the action merely cite different functions (locking, unlocking, notifying customers, turn on AC or heating) which are either allowed for a user or not. The user does not have an opportunity to select among the different functions.

Accordingly, while Porter discloses a controller 46, the controller 46 is not a control to allow/enable a user to access to a selection of functions, as provided by claims 12-18 and 20. Instead, the controller 46 only allows/enables a user to access every function of the storage device 10. As such, Porter does not disclose or suggest providing a user with access to a selection of several functions of the electronic compartment system via controls of the electronic parcel system, as recited by claims 12-18 and 20. Likewise, Gokcebay et al. does not disclose this feature, nor has Gokcebay et al. been cited for this purpose.

Independent claims 12 and 13 have been amended to further clarify the above feature, in that a user is given access to a particular starting menu, where the particular starting menu relates to a particular user group to which the user belongs. Porter and Gokcebay et al. clearly do not teach a starting menu of the user group to which the user belongs.

Further, contrary to the assertion of the action, the cited portions of Porter does not disclose or suggest that at least one of certain parcel compartments and groups of parcel compartments are accessible only to certain user groups. Instead, the portions of Porter relied upon by the action merely states that a plurality of storage devices are grouped together in a common area. (See column 8, lines 12-22 as cited in the action). In particular, a controller directs a vendor, homeowner or apartment dweller to use whichever storage device was currently empty. In no way does this mean that certain parcel compartments and groups of compartments are accessible only to certain user groups. For example, the cited portion of Porter does not mean that vendors only have access to certain storage devices, whereas home dwellers have access to different storage devices.

Accordingly, while Porter discloses a groups of storage devices, access to the storage devices is not based on groups. Instead, the controller 46 allows access “to each of the storage devices” and directs a user “to use whichever storage device was currently empty”. As such, Porter does not disclose or suggest that certain parcel compartments and groups of parcel compartments are accessible only to certain user groups, as recited by claims 12-18 and 20. Likewise, Gokcebay et al. does not disclose this feature, nor has Gokcebay et al. been cited for this purpose.

Still further, Porter does not disclose an essentially simultaneous opening of several parcel compartments, as acknowledged in the action. (See action, page 4). Likewise, Gokcebay et al. does not teach or suggest an essentially simultaneous opening of several parcel compartments, contrary to the assertion of the action. In particular, Gokcebay et al. discloses that a delivery person requests the opening of four compartments. (See column 5, lines 4-8 as cited in the action). Even upon the assumption that the compartments open simultaneously, they do not open because the delivery person has entered a code and the person’s membership to the user group automatically provides for several compartments to open simultaneously. Furthermore, Gokcebay et al. does not teach that some users can have several compartments be opened simultaneously and some users cannot, depending on their affiliation with a user group. Accordingly, Gokcebay et al. does not disclose or suggest an essentially simultaneous opening of several parcel compartments based on user groups.

The applicants further submit that claim 20 is nor rendered obvious over Porter or Gokcebay et al., because neither Porter nor Gokcebay et al. teach or suggest that an

assignment of compartments to user groups can be changed. In particular, while the action cites column 7, lines 46-50 of Porter as disclosing this feature, the cited portion merely discloses that vendor codes, employee codes and homeowner codes can be changed by the vendors and/or homeowners. In no way does this mean the assignment of compartments to different user groups can be changed, too. More particularly, Porter does not disclose that such assignment takes place at all. Accordingly, Porter does not disclose or suggest that an assignment of compartments to user groups can be changed, as recited by claim 20. Likewise, Gokcebay et al. does not disclose this feature, nor has Gokcebay et al. been cited for this purpose.

It is clear that to “establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); See also MPEP 2143.03. As a result, one of ordinary skill in the art would not be lead to a combination of Porter and Gokcebay et al. that discloses the compartments system and method of claims 12-18 and 20.

The applicants further submit that none of claims 12-18 or 20 would be rendered obvious over Porter or Gokcebay et al., because one of ordinary skill in the art would not be motivated to combine the teachings of Porter and Gokcebay et al. as asserted in the action. In particular, the motivation provided by the action (i.e., to alleviate the difficulties of families receiving packages at home, and the suffering of delivery companies delivering packages over several trips) does not suggest the desirability of providing an essentially simultaneous opening of several parcel compartments. Indeed, the portion of Gokcebay et al. cited in the action (column 1, lines 9-19) reads as follows:

In the busy lives of today's society time has become the most sought after commodity. With many two income families, receiving packages at home for deliveries and dropping off items for services such as laundry has become difficult. With no time to spare, many order goods through the use of the Internet for home delivery.

On the other hand, delivery companies also suffer, as they very often have to make several trips to deliver and obtain signature. Providing locker systems where consumers can pick up packages and drop off items located at convenient locations can alleviate this problem. ...

This passage clearly states that is the provision of the parcel compartments themselves that alleviates the difficulties encountered by families and delivery companies. Whether or not several parcel compartments may open simultaneously has absolutely no bearing on the

motivation as relied upon by the action. For example, simultaneous opening of several parcel compartments has no bearing on the number of deliveries a delivery company must make. If the parcel compartments were only to be opened one-at-a-time, a delivery company would not be forced to make one delivery to one compartment only to leave and come back again for a delivery to an adjacent compartment. Rather, the deliveries would be made to one compartment and then another. The delivery company would still be alleviated of the burden of having to make several trips, because it is the fact that the compartments are provided in the same location that limits the number of trips. Likewise, simultaneous opening of several parcel compartments has no bearing on consumers being available for deliveries. Instead, "providing locker systems where consumers can pick up packages and drop off items located at convenient locations can alleviate this problem." (Column 1, lines 17-19).

It is clear that the obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so. See *In re Kahn*, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006) (Emphasis added); see also MPEP 2143.01. Accordingly, the asserted motivation does not motivate one of ordinary skill in the art to provide an essentially simultaneous opening of several parcel compartments. As such, none of claims 12-18 or 20 are rendered obvious over Porter in view of Gokcebay et al.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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